

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

WILLIAM JOSEPH WEBB, JR.,)	
)	Case No. 07-031 GMS
Plaintiff,)	JURY TRIAL DEMANDED
v.)	
)	
FIRST CORRECTIONAL MEDICAL, ET AL,)	
)	
Defendants.)	

**DEFENDANTS CORRECTIONAL MEDICAL SERVICES, INC., GINA WOLKEN AND
DR. NIAZ’S OPPOSITION TO PLAINTIFF’S WITHDRAWAL OF LETTER AND
RULE TO ORDER TO SHOW CAUSE¹ (D.I. 121)**

Defendants, Correctional Medical Services, Inc., Gina Wolken, and Dr. Niaz (collectively, “Respondents”), by and through their undersigned counsel, hereby oppose the Plaintiff’s request for an “Order to Show Cause why the Court shouldn’t issue relief of Plaintiff’s Motion for Default Judgment . . .” (D.I. 121) In opposition to the relief requested, Respondents state as follows:

1. In Plaintiff’s recent filing, he requests the withdrawal of a letter from him to Respondents’ prior counsel dated April 17, 2008 (D.I. 103), which is also the subject of a Motion to Strike filed by Respondents’ prior counsel. (D.I. 106, amended at D.I. 108, 109) In practical terms, Plaintiff’s offer of “withdrawal” amounts to a lack of opposition to that Motion to Strike which, accordingly, should be granted.
2. Plaintiff’s recent filing also appears to request the Court order Respondents to “show cause” why his Motion for Default (D.I. 66) should not be granted. Respondents timely filed

¹ Neither Gina Wolken, nor Dr. Niaz, has properly been served with process yet. Accordingly, they reserve all defenses and do not waive service by filing this opposition to Plaintiff’s Motion.

their Response to Plaintiff's Motion (D.I. 67) and rely on the arguments asserted therein as grounds sufficient to show adequate cause why the Plaintiff's Motion should not be granted.

BALICK & BALICK L.L.C.

/s/ James E. Drnec

James E. Drnec (DE Bar # 3789)

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Attorneys for

Correctional Medical Services, Inc.,

Gina Wolken and Dr. Niaz

Date: June 4, 2008

CERTIFICATE OF SERVICE

I, James Drnec, hereby certify that on the 4th day of June 2008, the foregoing Defendants, Correctional Medical Services, Inc., Gina Wolken, and Dr. Niaz's Opposition to Plaintiff's Withdrawal of Letter and Rule to Order to Show Cause and was filed via CM/ECF and served upon the following via electronic service or first class mail:

Catherine C. Damavandi
Department of Justice
820 N. French St.
Wilmington, DE 19801

William Joseph Webb, Jr.
SBI #256056
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

/s/ James E. Drnec
James E. Drnec, Esquire (#3789)